

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In Re:)
)
AREDIA® AND ZOMETA® PRODUCTS)
LIABILITY LITIGATION)
)
(MDL No. 1760)) **No. 3:06-MD-1760**
) **Judge Campbell/Brown**
)
This Document Relates to:)
3:7-cv-00007 (Davis))

ORDER

Anne Davis, the original plaintiff in this case, died on May 11, 2008. A suggestion of death was filed on November 9, 2009. (MDL Doc. 2753; Related Case 14)

Before the court is plaintiff's second motion to substitute filed December 5, 2013 seeking to appoint Jennifer Lint – Public Administrator of Ravalli County, Montana – as the “interim” plaintiff in this case until such time as the late Ms. Davis' daughter, Sherry Cleveland-Case, could be appointed as the personal representative of her late mother's estate. (MDL Doc. 7191, ¶ 15, p. 2; Related Case 65) Ms. Cleveland-Case filed a motion on April 24, 2014 for an extension of time to supplement her second motion to substitute. (MDL Doc. 7389; Related Case 75) Plaintiff's motion to supplement was granted on April 30, 2014. (MDL Doc. 7394; Related Case 76) Thereafter, plaintiff noticed the court on July 9, 2014 that the late Ms. Davis's estate had been admitted to probate and that Ms. Cleveland Case had been appointed by the Montana Twenty-First Judicial District Court on June 25, 2014 as the personal representative of her late mother's estate. (MDL Doc. 7450, Ex. A; Related Case 79)

Plaintiff's motion to substitute Jennifer Lint as the “interim” plaintiff in this case (Doc. 7191; Related Case 65) is **DENIED**. However, as the late Ms. Davis's estate has been admitted to probate, and as Ms. Cleveland-Case has been appointed the personal representative of her late mother's estate

by order of the Montana Courts, it is **ORDERED** that Ms. Cleveland-Case be substituted as the plaintiff in this case.

It is so **ORDERED**.

ENTERED the 14th day of July, 2014.

/s/Joe B. Brown
Joe B. Brown
United States Magistrate Judge